

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

BANKING AND SECURITIES COMMISSION MEETING 2020-1

THURSDAY, January 30, 2020

PUBLIC SESSION

The meeting of the Banking and Securities Commission was held on January 30, 2020 in the Thirteenth Floor Conference Room of the Department's offices at Market Square Plaza, 17 North Second Street, Harrisburg, PA 17101. The public session was called to order at 1:02 p.m. by Chairman Biery. The following were in attendance:

CHAIRMAN JAMES R. BIERY
VICE-CHAIR ROBIN L. WIESSMANN
COMMISSIONER VINCENT J. GASTGEB
COMMISSIONER WILLIAM LUTERMAN

GERARD MACKAREVICH, Commission Counsel
STEFANIE HAMILTON, Chief Counsel
JENNIFER COX, Commission Secretary

CALL TO ORDER AND APPROVAL OF MINUTES FOR PREVIOUS MEETING

1. At 1:02 p.m. Chairman Biery called the meeting of the Banking and Securities Commission to order. He noted that a public notice of the Commission meeting had been **PUBLISHED** in **THE PATRIOT-NEWS** in Harrisburg, PA, and **POSTED** in the lobby of the Department's offices at 17 N. Second Street, Harrisburg, PA. Also, in furtherance of government transparency, at the Commissioners' request the Department **POSTED** the notice on its website. Therefore, the Commission complied with the public notice requirements of Section 709 of the Sunshine Act.

2. The Chairman took roll call. With four commissioners attending, a quorum was present for purposes of taking official action pursuant to Section 1121-A(f) of the Department of Banking and Securities Code.

3. Chairman Biery noted that Commission Recording Secretary Jennifer Cox is taking the minutes of this meeting, a draft of which will be circulated to the Commissioners following the meeting. The Department Secretary as vice chair of the Commission will sign the minutes when the minutes are finalized at the next meeting and the Commission votes to adopt them.

4. All Commission members received copies of the minutes for the regular meeting held on November 6, 2019. Pursuant to a motion made by Commissioner Luterman and seconded by Commissioner Gastgeb, the Commission unanimously agreed to adopt the minutes as final.

5. At 1:05 p.m., the Chairman directed the Commission to enter executive session to consider an adjudication in the matter of the *Department vs. Tricking Springs Creamery, LLC; Philip Elvin Riehl, Gerald A. Byers, Elvin M. Martin, and Dale L. Martin* – Docket No. 180099 (SEC-OSC), pursuant to Section 1122-A of the Department of Banking and Securities Code. He requested that all meeting participants except the Commissioners and Commission Counsel leave while these discussions were held behind closed doors.

6. At 1:47, the commission re-entered public session.

APPROVAL OF FINAL ORDER

IN THE MATTER OF TRICKLING SPRINGS CREAMERY, LLC; PHILIP ELVIN RIEHL, GERALD A. BYERS, ELVIN M. MARTIN, AND DALE L. MARTIN

7. Having deliberated on the matter of *Tricking Springs Creamery, LLC; Philip Elvin Riehl, Gerald A. Byers, Elvin M. Martin, and Dale L. Martin* – Docket No. 180099 (SEC-OSC), the Commission discussed the issuance of a Final Order in the matter.
8. Vice Chair Wiessmann made a motion, which Commissioner Gastgeb seconded, to adopt the proposed report of the hearing officer, with one exception, which would replace Finding of Fact No. 51 with a new one to conform to the evidence in the proceeding. Additionally, the motion directed the issuance of a Final Order that acknowledged the filing of exceptions by the Bureau of Securities Compliance and Examinations and of three of the respondents,

and adopted the proposed order of the hearing officer, with one amendment to take into account the effects of a filing of a bankruptcy petition by Tricking Springs Creamery, LLC.

9. The Chairman offered the opportunity for public comment on the proposed Final Order, but no members of the public were present.
10. A motion having been made and seconded, a roll call was conducted to adopt the Final Order, as amended, in the matter of *Trickling Springs Creamery, LLC; Philip Elvin Riehl, Gerald A. Byers, Elvin M. Martin, and Dale L. Martin* – Docket No. 180099 (SEC-OSC). The Commission unanimously agreed to the motion.

PUBLIC COMMENTS

11. No public comments were made.

CLOSING COMMENTS

12. Chairman Biery acknowledged that this was the final meeting for Vice Chair Wiessmann, who is moving to the position of Executive Director of the Pennsylvania Housing Finance Agency. He thanked Secretary Wiessmann for her service the past five years as Secretary of Banking and Securities. Secretary Wiessmann then made farewell comments.
13. Having no further business, Chairman Biery asked for a motion to adjourn the meeting. Pursuant to a motion made by Vice Chair Wiessmann and seconded by Commissioner Gastgeb, the Commission unanimously agreed to adjourn. The meeting was adjourned at 1:53 p.m.

Transcribed by:

JENNIFER COX, Secretary for
Commission

Reviewed and respectfully submitted by:

RICHARD VAGUE, Vice-Chair